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TREATY SERIES, No. 660

TREATY

BETWEEN

THE UNITED STATES AND HUNGARY

Establishing Friendly Relations

SIGNED AT BUDAPEST, AUGUST 29, 1921
RATIFICATION ADVISED BY THE SENATE, OCTOBER 18, 1921
RATIFIED BY THE PRESIDENT, OCTOBER 21, 1921
RATIFIED BY HUNGARY, DECEMBER 12, 1921
RATIFICATIONS EXCHANGED AT BUDAPEST, DECEMBER 17, 1921
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By the President of the United States of America.

A PROCLAMATION.

WHEREAS, a treaty between the United States and Hungary to establish securely friendly relations between the two nations was signed at Budapest on August 29, 1921, which treaty is word for word as follows:

THE UNITED STATES OF AMERICA

and

HUNGARY:

CONSIDERING THAT the United States, acting in conjunction with its co-belligerents, entered into an Armistice with Austria-Hungary on November 3, 1918, in order that a Treaty of Peace might be concluded;

CONSIDERING THAT the former Austro-Hungarian Monarchy ceased to exist and was replaced in Hungary by a national Hungarian Government;

CONSIDERING THAT the Treaty of Trianon to which Hungary is a party was signed on June 4, 1920, and came into force according to the terms of its Article 364, but has not been ratified by the United States;

CONSIDERING THAT the Congress of the United States passed a Joint Resolution, approved by the President July 2, 1921, which reads in part as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* * * * *

"That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917, is hereby declared at an end.

"SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Saint Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

"SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on

April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America."

Being desirous of establishing securely friendly relations between the two Nations:

Have for that purpose appointed their plenipotentiaries;

The President of the United States of America, U. Grant-Smith, Commissioner of the United States to Hungary, and Hungary, Count Nicholas Banffy; Royal Hungarian Minister for Foreign Affairs;

Who, having communicated their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Hungary undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921,

including all the rights and advantages stipulated for the benefit of the United States in the Treaty of Trianon which the United States shall fully enjoy notwithstanding the fact that such Treaty has not been ratified by the United States. The United States, in availing itself of the rights and advantages stipulated in the provisions of that Treaty, will do so in a manner consistent with the rights accorded to Hungary under such provisions.

ARTICLE II.

With a view to defining more particularly the obligations of Hungary under the foregoing Article with respect to certain provisions in the Treaty of Trianon, it is understood and agreed between the High Contracting Parties:

(1) That the rights and advantages stipulated in that Treaty for the benefit of the United States, which it is intended the United States shall have and enjoy, are those defined in Parts V, VI, VIII, IX, X, XI, XII and XIV.

(2) That the United States shall not be bound by the provisions of Part I of that Treaty, nor by any provisions of that Treaty including those mentioned in paragraph (1) of this Article, which relate to the Covenant of the League of Nations, nor shall the United States be bound by any action taken by the League of Nations, or by the Council or by the Assembly thereof, unless the United States shall expressly give its assent to such action.

(3) That the United States assumes no obligations under or with respect to the provisions of Part II, Part III, Part IV and Part XIII of that Treaty.

(4) That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that Treaty, and in any other commission established under the Treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commission unless it shall elect to do so.

(5) That the periods of time to which reference is made in Article 364 of the Treaty of Trianon shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty.

ARTICLE III.

The present Treaty shall be ratified in accordance with the constitutional forms of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place as soon as possible at Budapest.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in Budapest, this 29th day of August, 1921.

[SEAL.] U. GRANT SMITH
Commissioner of the United States to Hungary.

[SEAL.] COUNT NICHOLAS BÁNFFY
Royal Hungarian Minister for Foreign Affairs.

AND, WHEREAS, the said treaty has been duly ratified on both parts, and the ratifications of the two countries were exchanged at Budapest on December 17, 1921;

NOW, THEREFORE, be it known that I, Warren G. Harding, President of the United States of America, have caused the said treaty to be made public to the end that every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this twentieth day of December in the year of our Lord one thousand nine hundred and [SEAL.] twenty-one, and of the Independence of the United States of America the one hundred and forty-sixth.

WARREN G HARDING

By the President:
CHARLES E. HUGHES
Secretary of State.

[RATIFICATION.]

WARREN G. HARDING,

President of the United States of America,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That whereas a Treaty between the United States of America and Hungary to restore the friendly relations existing between the two nations prior to the outbreak of war, was concluded and signed by their respective plenipotentiaries at Budapest on August 29, 1921, a true copy of which Treaty, in the English language, is word for word as follows:

[Printed above]

And Whereas, the Senate of the United States, by their resolution of October 18, 1921, (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said Treaty, subject to the understanding, made a part of the resolution of ratification, "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation"; and subject to the further understanding, made a part of the resolution of ratification, "that the rights and advantages which the United States is entitled to have and enjoy under this Treaty embrace the rights and advantages of nationals of the United States specified in the Joint Resolution or in the provisions of the Treaty of Trianon to which this Treaty refers";

NOW, therefore, be it known that I, Warren G. Harding, President of the United States of America, having seen and considered the said Treaty, do hereby, in pursuance of the aforesaid advice and

consent of the Senate, ratify and confirm the same and every article and clause thereof, subject to the understandings hereinabove recited.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington, the twenty-first day of October, in the year of Our Lord one thousand nine hundred and twenty-one, and of the Independence of the United States of America the one hundred and forty-sixth.

[SEAL]

WARREN G HARDING

By the President:

CHARLES E. HUGHES
Secretary of State.

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